

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 621**

4 (By Senator Unger)

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6 [Originating in the Committee on Government Organization;
7 reported February 23, 2012.]

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10 A BILL to amend and reenact §8A-5-6 and §8A-5-7 of the Code of West
11 Virginia, 1931, as amended, all relating to the approval of
12 major subdivision or land development plans and plats; and
13 requiring a letter from the Division of Highways stating there
14 is sufficient access to state roads.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §8A-5-6 and §8A-5-7 of the Code of West Virginia, 1931,
17 as amended, be amended and reenacted, all to read as follows:

18 **ARTICLE 5. SUBDIVISION OR LAND DEVELOPMENT PROCESS.**

19 PART II. MAJOR SUBDIVISION OR LAND DEVELOPMENT PROCESS.

20 **§8A-5-6. Application for major subdivision or land development.**

21 (a) An applicant for approval of a major subdivision or land
22 development plan and plat shall submit written application, a copy
23 of the proposed land development plan and plat, a letter from the
24 Division of Highways stating that the plan provides sufficient

1 access to state roads and the fees to the planning commission
2 having jurisdiction over the land.

3 (b) Within forty-five days after receipt of the application,
4 the planning commission shall review the application for
5 completeness and either accept or deny it.

6 (c) If the application is not complete, then the planning
7 commission may deny the application and must notify the applicant
8 in writing stating the reasons for the denial.

9 **§8A-5-7. Contents of a major subdivision or land development plan
10 and plat.**

11 (a) A land development plan and plat must include everything
12 required by the governing body's subdivision and land development
13 ordinance.

14 (b) If a governing body does not have a subdivision and land
15 development ordinance or if a governing body's subdivision and land
16 development ordinance does not specify what may be included in a
17 subdivision or land development plan and plat, then the following
18 may be included, when applicable, in a subdivision or land
19 development plan and plat:

20 (1) Show that the subdivision or land development conforms to
21 the governing body's comprehensive plan;

22 (2) A method of payment to cover the cost of the water and
23 sewer service infrastructure, which can include, but is not limited
24 to, bonds, impact fees, escrow fees and proffers;

1 (3) Coordination among land development with adjoining land
2 owners, including, but not limited to, facilities and streets;

3 (4) Distribution of population and traffic in a manner tending
4 to create conditions favorable to health, safety, convenience and
5 the harmonious development of the municipality or county;

6 (5) Show that there is a fair allocation of areas for
7 different uses, including, but not limited to, streets, parks,
8 schools, public and private buildings, utilities, businesses and
9 industry;

10 (6) Show that there is a water and sewer supply;

11 (7) Setback and lot size measures were used;

12 (8) The standards used for designating land which is subject
13 to flooding or subsidence, details for making it safe, or
14 information showing that such land will be set aside for use which
15 will not endanger life or property and will not further aggravate
16 or increase the existing menace;

17 (9) The control measures for drainage, erosion and sediment;

18 (10) The coordination of streets, sidewalks and pedestrian
19 pathways in and bordering the land development, including a letter
20 from the Division of Highways stating that the plan provides
21 sufficient access to state roads; and

22 (11) The design, construction and improvement measures to be
23 used for the streets, sidewalks, easements, rights-of-way,
24 drainage, utilities, walkways, curbs, gutters, street lights, fire

1 hydrants, water and wastewater facilities, and other improvements
2 installed, including the width, grade and location for the purpose
3 of accommodating prospective traffic, customers and facilitating
4 fire protection.